

Constitution of 1818.

thereto, and as contiguous as may be, shall be granted to the state for the use of the inhabitants of such township for the use of schools :

2. That all salt springs within such state, and the lands reserved for the use of the same, shall be granted to the said state for the use of the said state, and the same to be used under such terms and conditions and regulations as the legislature of said state shall direct : *Provided*, the legislature shall never sell nor lease the same for a longer period than 10 years at any one time :

3. That five per cent. of the net proceeds of the lands lying within such state, and which shall be sold by congress from and after the first day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz : Two-fifths to be disbursed under the direction of congress, in making roads leading to the state ; the residue to be appropriated by the legislature of the state for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university :

4. That 36 sections or one entire township, which shall be designated by the president of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state, to be appropriated solely to the use of such seminary by the said legislature.

And whereas, the four foregoing propositions are offered on the condition that this convention shall provide by ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order,

or under the authority of the state, whether for state, county or township, or any other purpose whatever, for the term of five years from and after the day of sale. [See Ch. 89 § 36 and note.] And further, that the bounty lands granted, or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt as aforesaid from all taxes for the term of three years from and after the date of the patents respectively ; and that all the lands belonging to the citizens of the United States, residing without the said state shall never be taxed higher than lands belonging to persons residing therein.

Therefore, this convention, on behalf of, and by the authority of the people of the state, do accept of the foregoing propositions ; and do further ordain and declare, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order, or under any authority of the state, whether for state, county, or township, or any purpose whatever, for the term of five years from and after the day of sale. And that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt, as aforesaid, from all taxes for the term of three years from and after the date of the patents respectively ; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein. And this convention do further ordain and declare, that the foregoing ordinance shall not be revoked without the consent of the United States.

CONSTITUTION OF 1818.

Adopted at Kaskaskia in convention 26 August, 1818. Laws 1819, Appendix.

The people of the Illinois territory, having the right of admission into the general government as a member of the Union, consistent with the constitution of the United States, the ordinance of congress of 1787, and the law of congress approved April 18th, 1818, entitled "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes ;" in order to establish justice, promote the welfare, and secure the blessings of liberty to themselves and their posterity, do by their representatives in convention, ordain and establish the following constitution or form of government ; and do mutually agree with each other to form themselves into a

free and independent state, by the name of the state of ILLINOIS. And they do hereby ratify the boundaries assigned to such state by the act of congress aforesaid, which are as follows, to-wit : Beginning at the mouth of the Wabash river, thence up the same, and with the line of Indiana to the north-west corner of said state ; thence east with the line of the same state, to the middle of Lake Michigan ; thence north, along the middle of said lake, to north latitude 42 degrees and 30 minutes ; thence west to the middle of the Mississippi river, and thence down, along the middle of that river, to its confluence with the Ohio river ; and thence up the latter river, along its north-western shore, to the beginning.

NOTE. — Acts in relation to the line between Illinois and Indiana: Laws 1821 (6 Feb.) 97. Laws 1823 (17 Feb.) 159. R. L. 1829, 9. Resolution relating to jurisdiction on the Ohio between Illinois and Kentucky; Laws 1821, 187. Acts in relation to the northern boundary line: R. L. 1829 (2 Jan.) 11. Laws 1831 (5 Feb.) 101.

ART. I. § 1. The powers of the government of the state of Illinois, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

§ 2. No person or collection of persons being one of those departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ART. II. § 1. The legislative authority of this state shall be vested in a general assembly which shall consist of a senate and house of representatives, both to be elected by the people.

§ 2. The first election for senators and representatives shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday in August, 1820; and forever after, elections shall be held once in two years, on the first Monday of August, in each and every county, at such places therein as may be provided by law.

§ 3. No person shall be a representative who shall not have attained the age of 21 years, who shall not be a citizen of the United States, and an inhabitant of this state; who shall not have resided within the limits of the county or district in which he shall be chosen 12 months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and who, moreover, shall not have paid a state or county tax.

§ 4. The senators, at their first session herein provided for, shall be divided by lot from their respective counties or districts, as near as can be, into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, and those of the second class, at the expiration of the fourth year, so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

§ 5. The number of senators and representatives shall, at the first session of the general assembly, holden after the returns herein provided for are made, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. The number of representatives shall not be less than 27, nor more than 36, until the number of inhabitants within this state shall amount to 100,000; and the number of senators shall never be less than

one-third, nor more than one-half of the number of representatives.

§ 6. No person shall be a senator who has not arrived at the age of 25 years, who shall not be a citizen of the United States, and who shall not have resided one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

§ 7. The senate and house of representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the senate excepted). Each house shall judge of the qualifications and elections of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

§ 8. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

§ 9. Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals.

§ 10. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

§ 11. When vacancies happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

§ 12. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

§ 13. Each house may punish, by imprisonment during its session, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; or provided such imprisonment shall not at any one time exceed 24 hours.

§ 14. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

§ 15. Bills may originate in either house, but may be altered, amended or rejected by the other.

§ 16. Every bill shall be read on three differ-

ent days in each house, unless in case of urgency, three-fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill having passed both houses shall be signed by the speakers of their respective houses.

§ 17. The style of the laws of this state shall be, *Be it enacted by the people of the State of Illinois, represented in the General Assembly.*

§ 18. The general assembly of this state shall not allow the following officers of government greater or smaller annual salaries than as follows, until the year 1824: The governor, \$1,000.; and the secretary of state, \$600.

§ 19. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time.

§ 20. No money shall be drawn from the treasury but in consequence of appropriations made by law.

§ 21. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at the rising of each session of the general assembly.

§ 22. The house of representatives shall have the sole power of impeaching, but a majority of all the members present must concur in an impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the senators present.

§ 23. The governor, and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit or trust under this state. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to law.

§ 24. The first session of the general assembly shall commence on the first Monday of October next, and forever after the general assembly shall meet on the first Monday in December next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

§ 25. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or this state, (provided that appointments in the militia, postmasters or justices of the peace shall not be considered lucrative offices,) shall have a seat in the general assembly; nor shall any person holding an office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this state.

§ 26. Every person who shall be chosen or ap-

pointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office.

§ 27. In all elections, all white male inhabitants above the age of 21 years, having resided in the state six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

§ 28. All votes shall be given viva voce until altered by the general assembly.

§ 29. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

§ 30. The general assembly shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury or any other infamous crime.

§ 31. In the year 1820, and every fifth year thereafter, an enumeration of all the white inhabitants of the state shall be made in such manner as shall be directed by law.

§ 32. All bills for raising a revenue shall originate in the house of representatives, subject, however, to amendment, or rejection as in other cases.

ART. III. § 1. The executive power of the state shall be vested in a governor.

§ 2. The first election of governor shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday of August, in the year of our Lord 1822. And forever after, elections for governor shall be held once in four years, on the first Monday in August. The governor shall be chosen by the electors of the members of the general assembly, at the same places and in the same manner that they shall respectively vote for members thereof. The returns for every election of governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes, shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly in such manner as shall be prescribed by law.

§ 3. The first governor shall hold his office until the first Monday of December, in the year of our Lord 1822, and until another governor shall be elected and qualified to office; and forever after the governor shall hold his office for the term of four years and until another governor shall be elected and qualified; but he shall

not be eligible for more than four years in any term of eight years. He shall be at least 30 years of age, and have been a citizen of the United States 30 years; two years of which next preceding his election he shall have resided within the limits of this state.

§ 4. He shall, from time to time, give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

§ 5. He shall have power to grant reprieves and pardons after conviction, except in cases of impeachment.

§ 6. The governor shall, at stated times, receive a salary for his services, which shall neither be increased nor diminished during the term for which he shall have been elected.

§ 7. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

§ 8. When any officer, the right of whose appointment is, by this constitution, vested in the general assembly, or in the governor and senate, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly.

§ 9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them when assembled, the purpose for which they shall have been convened.

§ 10. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

§ 11. There shall be elected in each and every county in the said state, by those who are qualified to vote for members of the general assembly, and at the same time and places where the election for such members shall be held, one sheriff and one coroner, whose election shall be subject to such rules and regulations as shall be prescribed by law. The said sheriffs and coroners respectively, when elected, shall continue in office two years, be subject to removal and disqualification, and such other rules and regulations as may be, from time to time prescribed by law.

§ 12. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly, to such time as he thinks proper, provided it be not a period beyond the next constitutional meeting of the same.

§ 13. A lieutenant governor shall be chosen at every election for governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

§ 14. He shall, by virtue of his office be speaker of the senate, have a right, when in committee of the whole, to debate and vote on

all subjects; and whenever the senate are equally divided, to give the casting vote.

§ 15. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker for that occasion; and if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the state, the speaker of the senate shall in like manner, administer the government.

§ 16. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services, the same compensation, which shall, for the same period be allowed to the speaker of the house of representatives and no more; and during the time he administers the government as governor, he shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

§ 17. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration resign, die or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary for the time being, to convene the senate for the purpose of choosing a speaker.

§ 18. In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until the time pointed out by this constitution for the election of governor shall arrive, unless the general assembly shall provide by law for the election of a governor to fill such vacancy.

§ 19. The governor for the time being, and the judges of the supreme court or a major part of them, together with the governor, shall be and are hereby constituted a council to revise all bills about to be passed into laws by the general assembly; and for that purpose shall assemble themselves from time to time when the general assembly shall be convened; for which nevertheless they shall not receive any salary or consideration under any pretense whatever; and all bills which have passed the senate and house of representatives shall, before they become laws, be presented to the said council for their revision and consideration; and if, upon such revision and consideration, it should appear improper to the said council or a majority of them, that the bill should become a law of this state, they shall return the same, together with their objections thereto in writing to the senate or house of representatives (in whichever the same shall have originated) who shall enter the objections set down by the council at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same by a majority of the whole number of members elected, it shall, together with the said objec-

tions, be sent to the other branch of the general assembly, where it shall also be reconsidered; and if approved by a majority of all the members elected, it shall become a law. If any bill shall not be returned within 10 days after it shall have been presented, the same shall be a law, unless the general assembly shall by their adjournment, render a return of the said bill in 10 days impracticable; in which case the said bill shall be returned on the first day of the meeting of the general assembly, after the expiration of the said 10 days, or be a law.

§ 20. The governor shall nominate, and by and with the advice and consent of the senate, appoint a secretary of state, who shall keep a fair register of the official acts of the governor, and when required, shall lay the same and all papers, minutes and vouchers relative thereto, before either branch of the general assembly and shall perform such other duties as shall be assigned him by law.

§ 21. The state treasurer and public printer or printers for the state shall be appointed biennially by the joint vote of both branches of the general assembly: *Provided*, that during the recess of the same, the governor shall have power to fill such vacancies as may happen in either of said offices.

§ 22. The governor shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: *Provided however*, that inspectors, collectors and their deputies, surveyors of the highways, constables, jailers and such inferior officers whose jurisdiction may be confined within the limits of the county, shall be appointed in such manner as the general assembly may prescribe.

ART. IV. § 1. The judicial power of this state shall be vested in one supreme court, and such inferior courts as the general assembly shall, from time to time, ordain and establish.

§ 2. The supreme court shall be holden at the seat of government, and shall have an appellate jurisdiction only, except in cases relating to the revenue, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

§ 3. The supreme court shall consist in a chief justice and three associates, any two of whom shall form a quorum. The number of justices may, however, be increased by the general assembly after the year 1824.

§ 4. The justices of the supreme court and the judges of the inferior courts shall be appointed by joint ballot of both branches of the general assembly, and commissioned by the governor, and shall hold their offices during good behavior until the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of our Lord 1824, at which time their commissions shall expire: and until the expiration of which time, the said justices, respectively, shall

hold circuit courts in the several counties, in such manner and at such times, and shall have and exercise such jurisdiction as the general assembly shall by law prescribe. But ever after the aforesaid period, the justices of the supreme court shall be commissioned during good behavior, and the justices thereof shall not hold circuit courts unless required by law.

§ 5. The judges of the inferior courts shall hold their offices during good behavior, but for any reasonable cause, which shall not be sufficient ground for impeachment, both the judges of the supreme and inferior courts shall be removed from office on the address of two-thirds of each branch of the general assembly: *Provided always*, that no member of either house of the general assembly, nor any person connected with a member by consanguinity, or affinity, shall be appointed to fill the vacancy occasioned by such removal. The said justices of the supreme court, during their temporary appointments, shall receive an annual salary of \$1000. payable quarter-yearly out of the public treasury. The judges of the inferior courts, and the justices of the supreme court who may be appointed after the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of our Lord 1824, shall have adequate and competent salaries, which shall not be diminished during their continuance in office.

§ 6. The supreme court, or a majority of the justices thereof, the circuit courts, or the justices thereof, shall, respectively, appoint their own clerks.

§ 7. All process, writs and other proceedings shall run in the name of *The People of the State of Illinois*. All prosecutions shall be carried on *In the name and by the authority of the People of the State of Illinois*, and conclude, *Against the peace and dignity of the same*.

§ 8. A competent number of justices of the peace shall be appointed in each county in such manner as the general assembly may direct, whose time of service, power and duties shall be regulated and defined by law. And justices of the peace, when so appointed, shall be commissioned by the governor.

ART. V. § 1. The militia of the state of Illinois shall consist of all free male able-bodied persons, negroes, mulattoes and Indians excepted, resident in the state, between the ages of 18 and 45 years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this state, and shall be armed, equipped and trained as the general assembly may provide by law.

§ 2. No person or persons, conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

§ 3. Company, battalion and regimental officers, staff officers excepted, shall be elected by the persons composing their several companies, battalions and regiments.

§ 4. Brigadier and major generals shall be elected by the officers of their brigades and divisions respectively.

§ 5. All militia officers shall be commissioned by the governor, and may hold their commissions during good behavior, or until they arrive at the age of 60 years.

§ 6. The militia shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

ART. VI. § 1. Neither slavery or involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of 21 years, nor female person arrived at the age of 18 years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

§ 2. No person bound to labor in any other state, shall be hired to labor in this state, except within the tract reserved for the salt works near Shawneetown; nor even at that place for a longer period than one year at any one time; nor shall it be allowed there after the year 1825: any violation of this article shall effect the emancipation of such person from his obligation to service.

§ 3. Each and every person who has been bound to service by contract or indenture in virtue of the laws of Illinois territory heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered in conformity with the aforesaid laws, shall serve out the time appointed by said laws: *Provided however*, that the children hereafter born of such person, negroes or mulattoes, shall become free, the males at the age of 21 years, the females at the age of 18 years. Each and every child born of indentured parents, shall be entered with the clerk of the county in which they reside, by their owners, within six months after the birth of said child.

ART. VII. § 1. Whenever two-thirds of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors, at the next election of members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many mem-

bers as there may be in the general assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, and which convention shall meet within three months after the said election, for the purpose of revising, altering or amending this constitution.

ART. VIII. That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare:

§ 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

§ 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness.

§ 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

§ 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

§ 5. That elections shall be free and equal.

§ 6. That the right of the trial by jury shall remain inviolate.

§ 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

§ 8. That no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. And all lands which have been granted as a common to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation; and the said commons shall not be leased, sold or divided under any pretense whatever: *Provided however*, that nothing in this section shall be so construed as to affect the commons of Cahokia or Prairie du Pont: *Provided also*, that the general assembly shall have power and authority to grant the same privi-

leges to the inhabitants of the said villages of Cahokia and Prairie du Pont as are hereby granted to the inhabitants of other towns, hamlets and villages.

§ 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor. And in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; and that he shall not be compelled to give evidence against himself.

§ 10. That no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war, or public danger, by leave of the courts, for oppression or misdemeanor in office.

§ 11. No person shall, for the same offense, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives in the general assembly, nor without just compensation being made to him.

§ 12. Every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

§ 13. That all persons shall be bailable by sufficient sureties, unless for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

§ 14. All penalties shall be proportioned to the nature of the offense, the true design of all punishments being to reform, not to exterminate mankind.

§ 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

§ 16. No ex post facto law, nor any law impairing the validity of contracts shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

§ 17. That no person shall be liable to be transported out of this state for any offense committed within the same.

§ 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

§ 19. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

§ 20. That the mode of levying a tax shall be by valuation, so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

§ 21. That there shall be no other banks or moneyed institutions in this state than those already provided by law, except a state bank and its branches, which may be established and regulated by the general assembly of the state as they may think proper.

§ 22. The printing presses shall be free to every person, who undertakes to examine the proceedings of the general assembly or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

§ 23. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court as in other cases.

SCHEDULE. § 1. That no inconveniences may arise from the change of a territorial to a permanent state government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government in virtue of the laws now in force.

§ 2. All fines, penalties and forfeitures due and owing to the territory of Illinois shall inure to the use of the state. All bonds executed to the governor, or to any other officer in his official capacity in the territory, shall pass over to the governor or to the officers of the state, and their successors in office, for the use of the state, by him or by them to be respectively assigned over to the use of those concerned, as the case may be.

§ 3. No sheriff or collector of public moneys, shall be eligible to any office in this state, until they have paid over according to law, all moneys which they may have collected by virtue of their respective offices.

§ 4. There shall be elected in each county, three county commissioners for the purpose of transacting all county business, whose time of service, power and duties shall be regulated and defined by law.

§ 5. The governor, secretary and judges, and all other officers under the territorial government shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

§ 6. The governor of this state shall make use of his private seal, until a state seal shall be provided.

§ 7. The oaths of office herein directed to be

taken, may be administered by any justice of the peace until the general assembly shall otherwise direct.

§ 8. [Apportionment of senators and representatives, which is omitted. It was changed by the following acts: Laws 1821 (14 Feb.) 154. Resolution recommending a special session to make a new apportionment: Laws 1825, 186. Act in pursuance thereof: Laws 1826 (12 Jan.) 45. Laws 1831 (7 Feb.) 5. Laws 1836 (14 Jan.) 268. Same repealed: R. S. 1845, 455. Laws 1841 (26 Feb.) 23. Laws 1843 (3 Feb.) 10. Id. (6 Feb.) 11. Acts providing for special election of senator and representatives: Laws 1843, 136, 137. Apportionment acts amended: Laws 1845 (21 Feb.) 51. Id. (1 Mar.) 120. Id. (15 Jan.) 191. Id. (23 Jan.) 197. General act: Laws 1847 (25 Feb.) 3.]

§ 9. The president of the convention shall issue writs of election, directed to the several sheriffs of the several counties, or in case of the absence or disability of any sheriff, then to the deputy sheriff, and in case of the absence or disability of the deputy sheriff, then such writ to be directed to the coroner, requiring them to cause an election to be held for governor, lieutenant governor, representative to the present congress of the United States, and members to the general assembly, and sheriffs and coroners in the respective counties; such election to commence on the third Thursday of September next, and to continue for that and the two succeeding days; and which election shall be conducted in the manner prescribed by the existing election laws of the Illinois territory; and the said governor, lieutenant governor, members of the general assembly, sheriffs and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution, and until their successor or successors are qualified, and no longer.

§ 10. An auditor of public accounts, an attorney general, and such other officers for the state as may be necessary, may be appointed by the general assembly, whose duties may be regulated by law.

§ 11. It shall be the duty of the general assembly to enact such laws as may be necessary and proper to prevent the practice of dueling.

§ 12. All white male inhabitants above the age of 21 years, who shall be actual residents of this state, at the signing of this constitution, shall have a right to a vote at the election to be held on the third Thursday and the two following days of September next.

§ 13. The seat of government for the state shall be at Kaskaskia until the general assembly shall otherwise provide. The general assembly, at their first session holden under the authority of this constitution, shall petition the congress of the United States, to grant to this state a quantity of land, to consist of not more than four, nor less than one section, or to give to this state the right of pre-emption in the purchase of the said quantity of land. The said land to be situate on the Kaskaskia river, and as near as may be, east of the third principal meridian on said river. Should the prayer of such petition be granted, the general assembly, at their next session thereafter, shall provide for the appointment of five commissioners to make the selection of said land so granted; and shall further provide for laying out a town upon the said land so selected; which town, so laid out, shall be the seat of government of this state for the term of 20 years. Should, however, the prayer of said petition not be granted, the general assembly shall have power to make such provision for a permanent seat of government as may be necessary, and shall fix the same where they may think best.

§ 14. Any person of 30 years of age who is a citizen of the United States and has resided within the limits of this state two years next preceding his election, shall be eligible to the office of lieutenant governor: anything in § 13 Art. III. of this constitution contained to the contrary notwithstanding.

RESOLUTION OF CONGRESS, 3 DEC. 1818.

Declaring the admission of the state of Illinois into the Union.—3 Stat. at Large, 536.

Whereas, in pursuance of an act of congress, passed on the 18th day of April, 1818, entitled "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states," the people of said territory did, on the 26th day of August, in the present year, by a convention called for that purpose, form for themselves a constitution and state government, which constitution and state government, so formed, is republican, and in conformity to the principles of the articles of compact between the original states and the people and states in the territory north-west of the river Ohio, passed on the 13th day of July, 1787: *Resolved by the Senate and House of Representatives of the United*

States of America in Congress assembled, that the state of Illinois shall be one, and is hereby declared to be one of the United States of America, and admitted into the union on an equal footing with the original states, in all respects whatever.

NOTE.—Resolution recommending a convention to form a new constitution; Laws 1823, 213. Act in pursuance thereof providing for a vote to be taken; Id. (18 Feb.) 180. There was about 1800 majority against the convention: *Reyn. Life and Times*, 243. Resolution recommending a convention to amend the constitution; Laws 1841, 359. The vote stood: against convention 23,958; for convention 38,030, being 1039 less than a majority of those voting for Representatives, and hence not sufficient; *ii Reports of 1842-3*, l. Act calling the convention of 1848; Laws 1847 (20 Feb.) 33.